

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

DUNIA YANETH PORTILLO LARA
6223 Wilson Boulevard, #102
Falls Church, Virginia 22043

Plaintiff,

v.

JH & MERCY ENTERPRISE LLC
10035 Three Sisters Court
Bristow, Virginia 20136

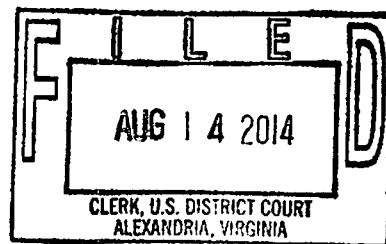
Serve: RESIDENT AGENT
JIHYUN JUNG
5955 Cody Spring Place
Haymarket, Virginia 20169

and

JIHYUN JUNG
5955 Cody Spring Place
Haymarket, Virginia 20169

Defendants.

Civil Action No. 1:14-cv-1045
(LMB/TRJ)



COMPLAINT

Plaintiff, Dunia Yaneth Portillo Lara ("Plaintiff"), by and through her attorneys, Ivonne Corsino Lindley and Stein Sperling Bennett De Jong Driscoll PC, hereby files her Complaint against Defendants JH & Mercy Enterprise LLC and Jihyun Jung (collectively "Defendants"), under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201, *et seq.* ("FLSA") stating as follows:

INTRODUCTION

Plaintiff worked for Defendants as a laborer. Plaintiff worked more than sixty hours per week but was not paid time and a half for the hours she worked in excess of forty hours per

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week. Indeed, she was not even paid minimum wage. Defendants have willfully violated the clear and well-established minimum wage and overtime provisions of the FLSA. Plaintiff seeks compensatory and statutory damages for all unpaid compensation, as well as attorneys' fees and costs.

JURISDICTION & VENUE

1. This Court has subject matter jurisdiction over the causes of action alleged in this Complaint pursuant to 28 U.S.C. §§ 1331 and 1367, and 29 U.S.C. § 216.

2. Venue is proper pursuant to 28 U.S.C. § 1391.

PARTIES

3. Plaintiff is an adult resident of Virginia.

4. Defendant JH & Mercy Enterprise LLC is a Virginia corporation.

5. Defendant Jihyun Jung is the principal of JH & Mercy Enterprise LLC.

6. At all times material herein, Defendants, in the aggregate and as a single enterprise, had annual gross volume of sales made or business done in an amount exceeding \$500,000.

7. Each Defendant is an "employer" within the meaning of 29 U.S.C. § 203(d).

8. At all times relevant, Defendants employed two or more employees who handled goods that moved in interstate commerce.

9. At all times relevant, Defendants constituted an "enterprise" within the meaning of 29 U.S.C. § 203(r).

10. Defendant Jihyun Jung controlled the day to day operations of JH & Mercy Enterprise LLC.

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11. Defendant Jihyun Jung had the power to hire, fire, suspend, and discipline Plaintiff.

12. Defendant Jihyun Jung supervised Plaintiff directly or indirectly.

13. Defendant Jihyun Jung directly or indirectly set and controlled Plaintiff's work schedules or had the power to do so.

14. Defendant Jihyun Jung directly or indirectly set and determined the rate and method of Plaintiff's pay or had the power to do so.

FACTS

15. Plaintiff was employed by Defendants from May 30, 2012 through May 13, 2014 (the "Employment Period").

16. From May 30, 2012 through August 1, 2013, Plaintiff worked an average of 62.5 hours per week from Monday through Saturday and earned \$374.00 per week, or \$5.98 per hour.

17. From August 2, 2013 through May 13, 2014 Plaintiff worked an average of 62.5 hours per week and earned \$401.00 per week, or \$6.42 per hour.

18. Plaintiff worked an average of 62.5 hours per week throughout the Employment Period.

19. Plaintiff was paid less than minimum wage.

20. Plaintiff was not paid one and a half times her regular hourly rate for hours worked in excess of forty per week.

21. Plaintiff is owed approximately \$15,167.06 in minimum and overtime wages.

22. Plaintiff is owed minimum and overtime wages that Defendants willfully failed and refused to pay to Plaintiff in violation of federal law.

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23. By statute, Defendants are required to maintain records which document the number of days Plaintiff worked.

24. The precise number of hours worked, and wages owed, should be revealed through discovery.

25. Defendants knowingly and intentionally violated Plaintiff's rights under the FLSA.

**COUNT I
(FLSA)**

26. Plaintiff adopts herein by reference paragraphs 1 through 25 above as if fully set forth herein.

27. Defendants were required to pay Plaintiff compensation of at least minimum wage. *See* 29 U.S.C. § 206.

28. Defendants were required to pay Plaintiff compensation at the rate of one and a half times her normal hourly wage for all hours worked in excess of forty hours per week. *See* 29 U.S.C. § 207(a)(2).

29. Throughout the Employment Period, Defendants failed to compensate Plaintiff at the required minimum hourly rate.

30. Throughout the Employment Period, Defendants failed to compensate Plaintiff at the rate of one and a half times the minimum hourly wage for all hours worked in excess of forty hours per week.

31. Defendants' actions complained of herein constitute a willful violation of Sections 206 and 207 of the FLSA.

32. Defendants' violation makes them liable to Plaintiff for all unpaid wages and unpaid overtime compensation, and an additional equal amount as liquidated damages.

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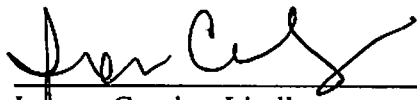
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WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter judgment against Defendants, jointly and severally, and in her favor in an amount to be determined at trial, but not less than \$30,334.12, which is two times the total wages and overtime compensation owed, and grant to Plaintiff her reasonable attorneys' fees and costs, and such other and further relief as the Court deems just and proper.

Respectfully submitted,

STEIN SPERLING BENNETT
DE JONG DRISCOLL PC

By:



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